

## **Use of Private Vehicles for CFSA Official Business Frequently Asked Questions (FAQs)**

### **1. If I am involved in an accident while using my vehicle for work, can I be sued?**

Generally, CFSA employees who are involved in an accident while driving their privately owned vehicles on official business for CFSA, and who are reimbursed for mileage pursuant to the Nonliability Act, are not subject to personal liability civil suit for property damage or for personal injury arising out of a motor vehicle accident during the discharge of the employee's official duties, so long as the employee was acting within the scope of his or her employment at the time of the accident. In such a case, the District would be responsible for defending the action unless it specifically denied liability on the ground that the employee was not acting within the scope of his or her employment. Therefore, the District, rather than the employee, will pay for injury or damage to third parties in most cases.

### **2. If I am injured in an accident while using my vehicle for work, am I eligible for any sort of compensation from CFSA or DC Government?**

Generally, a CFSA employee who is injured while carrying out CFSA official business is limited to making a claim under the disability compensation program in accordance with the District of Columbia Government Comprehensive Merit Personnel Act, rather than suing or filing action against the District. However, under certain circumstances, it may be appropriate for the employee to make a negligence claim against a third-party if he or she suffered personal injuries that are not caused by his or her own negligence.

An injured employee's sole remedy against the District for any injury sustained in the course of his or her employment is set forth in the District's disability compensation program. Therefore, an employee who is injured while a passenger in a vehicle driven by another District employee while carrying out District business is limited to the same remedy. Further, and as previously noted, an injured employee cannot bring suit against his or her fellow District employee carrying out District business. However, the injured employee passenger could maintain a lawsuit against any other liable parties.

### **3. If I am in an accident while using my vehicle for work, will CFSA or DC Government pay for the damages to my car?**

Generally, a CFSA employee is not entitled to reimbursement from the District when their vehicle is damaged while carrying out CFSA official business. District employees receive a travel allowance for mileage that is considered to include things like oil, gas, maintenance and insurance. Following an accident, an employee seeking payment for property damage should file a claim with his or her own insurance carrier or make a claim against any other responsible party. However, a claim made against a fellow District employee carrying out District business would not be allowed by the Nonliability Act.

### **4. Can CFSA provide auto insurance for my personal vehicle if I use my vehicle for work?**

The District cannot provide insurance coverage for District employees who use their own vehicles while carrying out District business. The District is a self-insurer and does not have the legal authority to procure or carry liability insurance. Claims are paid from funds appropriated for the payment of settlements and judgments.

**5. If I am in an accident while using my vehicle for work, will CFSA or the District represent me in court?**

Generally, the District will represent an employee sued for acts or omissions arising within the scope of employment, if there are no disqualifying factors. This would include lawsuits arising from an employee's operation of a privately owned vehicle while carrying out District business. As stated above, an employee will be disqualified for representation by the District if the employee was not acting within the scope of his or her employment, and instead on his or her own personal business.

**6. What do I do if I am involved in an accident using my vehicle or a government car for work?**

In the event of an accident while operating any vehicle within the scope of employment, an employee should immediately notify his or her supervisor, complete an Unusual Incident Report Form and submit it to the CFSA Office of Risk Management, and send a written request for representation to the Office of the Attorney General for the District of Columbia at 441 Fourth Street, NW, Washington, D.C. 20001.